

7/11/72

BEFORE THE
SHORELINES HEARINGS BOARD
STATE OF WASHINGTON

IN THE MATTER OF A SUBSTANTIAL DEVELOPMENT)	
PERMIT ISSUED BY THE TOWN OF FRIDAY HARBOR)	SHB No. 24
TO FRIDAY HARBOR FIRST CORPORATION,)	
)	ORDER ON MOTION,
CITIZENS FOR THE RESPONSIBLE DEVELOPMENT)	FINDINGS OF FACT,
OF THE PORT OF FRIDAY HARBOR, STATE OF)	CONCLUSIONS AND ORDER
WASHINGTON, DEPARTMENT OF ECOLOGY, and)	
SLADE GORTON, ATTORNEY GENERAL,)	
)	
Appellants.)	

This matter, the Request for Review of a substantial development permit issued by the Town of Friday Harbor to the Friday Harbor First Corporation, came before all members of the Shorelines Hearings Board (Arnold M. Hansen, Commissioner of Skagit County, sitting for Tracy J. Owen, Gordon Y. Ericksen, Planning Director of the City of Renton, sitting for Robert F. Hintz, and Ralph A. Beswick sitting for Bert L. Cole) at a formal hearing in the San Juan County Courthouse in Friday Harbor, Washington at 10:30 a.m., August 30, 1972. Because of an overflow crowd of interested citizens, the presiding officer, Judge Matthew W. Hill,

1 adjourned the hearing to the larger nearby gymnasium of Friday Harbor
2 High School where the hearing was concluded at 1:30 p.m., August 31,
3 1972.

4 Slade Gorton, Attorney General, and the Department of Ecology
5 appeared through Robert V. Jensen, Assistant Attorney General. Dale
6 Marble represented himself and the Citizens for the Responsible
7 Development of the Port of Friday Harbor. The Friday Harbor First
8 Corporation appeared through its counsel, Charles C. Schmidt. Eugene
9 E. Barker, court reporter, recorded the proceedings.

10 At the outset, Mr. Jensen moved to remand on the grounds that the
11 Town of Friday Harbor did not require or consider a detailed environ-
12 mental impact statement before considering the permit. Decision on th
13 motion was reserved until after completion of the hearing. Having con
14 sidered arguments of counsel, the Shorelines Hearings Board makes this

15 ORDER ON MOTION

16 The motion to remand is denied for the reason that the environmen
17 impacts involved in this substantial development were not complex or
18 obscure, but relatively simple and obvious. The evidence shows that
19 the environmental impacts of this proposed development were placed bef
20 the Town Council just as clearly as they were placed before this Board
21 and a formal environmental impact statement by the appropriate authori
22 would have added nothing to the information readily available to the
23 Friday Harbor Town Council.

24 At the hearing witnesses were sworn and testified. Exhibits were
25 admitted.

26 After hearing the testimony, examining exhibits, reviewing the

27 ORDER ON MOTION, FINDINGS OF FACT,
CONCLUSIONS AND ORDER - 2

1 transcript and studying briefs, the Shorelines Hearings Board makes these

2 FINDINGS OF FACT

3 I.

4 The subject of this Request for Review is a proposal of the Friday
5 Harbor First Corporation, a Washington corporation whose three equal
6 stockholders are Friday Harbor residents. The Corporation holds a 75-
7 year sub-lease from the Port of Friday Harbor for waterfront property
8 at Friday Harbor, San Juan County, 280 feet long and 100 feet wide.
9 The Corporation also owns a parcel 100 feet by 112 feet atop a 75-foot
10 rock cliff which rises back of the leased land, being separated from it
11 by an 80-foot platted street, of which only 30 feet has been developed
12 as a roadway. The property involved, owned by San Juan County, is
13 leased to the Port of Friday Harbor under a covenant to sub-lease
14 "requiring improvements of a substantial nature." The property,
15 virtually in the center of the colorful waterfront of a county seat town
16 of about 1,000 inhabitants, is flanked on one side by a ferry dock and
17 a marine fuel station and on the other side by the Port District marina,
18 now being modernized and enlarged.

19 II.

20 The Corporation's proposal is to construct a five-story commercial-
21 residential complex including a first-floor full-length public esplanade
22 fronting a proposed immigration station, marine air terminal and other
23 water and tourist-oriented shops and facilities. Each of the top four
24 stories, connected by an elevator, would house eight residential apart-
25 ments; a sky-bridge from the top floor would take tenants to the top of
26 the rock cliff in back of the property and to a parking lot on the

27 ORDER ON MOTION, FINDINGS OF FACT,
CONCLUSIONS AND ORDER

1 Corporation's property at the top of the cliff.

2 III.

3 The leased property does not include tidelands; in front of the
4 leased property the tidelands are reserved by the Port District for an
5 oil company and a marine air terminal.

6 IV.

7 The shoreland has no beach and having rugged, steep and irregular
8 rock outcroppings, is unsuitable for pedestrian use. There is no
9 harvesting of either shellfish on the adjacent tidelands or of fish in
10 the water fronting the property. The property is not a waterfowl
11 nesting or feeding area. Building effluent would be discharged into
12 the Town's sewage system.

13 V.

14 On April 20, 1972, the Friday Harbor Town Council, after a crowded
15 and controversial public hearing, and by a 3-2 vote, approved the
16 substantial development permit sought by the Friday Harbor First
17 Corporation. Mr. Schmidt, attorney for the Corporation, City Attorney
18 and former Port District attorney argued strenuously

19 That the apartments would appeal to retired persons, now
20 comprising a majority of the county's population;

21 That this would relieve some pressure for single-family residence
22 on the county's unique and charming insular waterfront;

23 That the structure would replace unsightly and abandoned
24 facilities now occupying the property;

25 That the project would provide an attractive walkway by which
26 the public, now unable to use the rocky shoreline, could

27 ORDER ON MOTION, FINDINGS OF FACT,
CONCLUSIONS AND ORDER

1 enjoy the waterfront;

2 That the project would satisfy the productive development

3 provision of the county's lease with the Port District;

4 That the project would provide needed revenue and taxes for

5 the Port District and other governmental agencies; and

6 That the project would enhance the Town's economy.

7 Mr. Marble, a commercial fisherman, argued that the project would
8 deprive Friday Harbor's fishing fleet of free or inexpensive moorage.

9 He, and other citizens, contended the proposed structure

10 would be, in effect, "piecemeal" zoning inasmuch as the

11 Town has neither a comprehensive plan nor zoning;

12 That the large building would dominate the waterfront and thus

13 would change the historic character of the marine and

14 tourist-oriented town;

15 That the structure, rising to the top of the rock cliff, would

16 block the Town's only harbor-viewing area;

17 That the property is the only land available on the waterfront

18 for a public park; and

19 That a profit-oriented private development was not an appropriate

20 use of Port District property.

21 VI.

22 Subsequent to the granting of the permit, the Citizens for the
23 Responsible Development of the Port of Friday Harbor, an ad hoc group
24 formed by Mr. Marble and others, collected 651 signatures from
25 residents of the county including 254 from the Town of Friday Harbor

1 on petitions which contended that the project "will restrict the publi
2 use of our own lands for three generations." After an investigation,
3 Slade Gorton, Attorney General, and the Department of Ecology joined
4 with the citizen group in prosecuting this Request for Review.

5 From these Findings of Fact, the Shorelines Hearings Board comes
6 to these

7 CONCLUSIONS

8 I.

9 From a practical standpoint, this matter is as much a local
10 zoning and planning dispute as it is a Shoreline Management Act
11 controversy. The 172 islands of the San Juan archipelago, beautiful
12 assets of the state and nation, have no zoning; only two of the larger
13 islands have comprehensive plans, although for years the pressures of
14 suburban sprawl have been increasing upon them. The Town of Friday
15 Harbor has drifted along in this failure of local citizens and local
16 officials to grasp and use the tools available to them of planning
17 and zoning to control and direct inevitable growth. Testimony at
18 this hearing that Town officials have been "a little remiss" in
19 failing to develop a comprehensive plan is certainly an understatement
20 Now, suddenly, here is this instant proposal which cannot help but be,
21 because of its size, a major factor in the ultimate development of the
22 Town's waterfront; yet it demands a decision without the background and
23 benefit of a citizen-supported plan. The six members of the
24 Shorelines Hearings Board, none of them residents of the San Juan
25 Islands, but sharing, with vast numbers of the citizens of this state
26

27 ORDER ON MOTION, FINDINGS OF FACT,
CONCLUSIONS AND ORDER - 6

1 a deep appreciation for the natural charm of those Islands, now are
2 being required to do the planning and zoning work of the citizens and
3 officials of the Town of Friday Harbor. It is a chore which we should
4 not have to assume, but we herewith are meeting the challenge within
5 the parameters of the Shoreline Management Act, our only area of
6 responsibility.

7 II.

8 We conclude that the proposed development will not interfere with
9 rights of navigation and will have no adverse effects on public health
10 or on aquatic life and waterfowl on the shoreland involved or the
11 adjacent tideland and tidal waters.

12 III.

13 We conclude the first floor public esplanade would be a marked
14 improvement over the present status of the property, which now prevents
15 or discourages pedestrian enjoyment of the shoreland. If the first-
16 floor tenancy is restricted to suitable and appropriate shoreline-
17 oriented uses, this portion of the structure would meet the pre-
18 requisites of a Shoreline Management Act substantial development permit.

19 IV.

20 As to the remaining four stories of the structure, they, in part at
21 least, are gross from an esthetic consideration and, because of the
22 structure's height, obstruct and interfere with the Town's highest public
23 vantage point for viewing the interesting harbor. We conclude, therefore,
24 that the structure as now planned, would have a deleterious effect on
25 the public's shoreland rights. A reduction in the building's height

1 from five to four stories would preserve, in great part, the public's
2 view of the harbor from the top of the cliff.

3 Therefore, the Shorelines Hearings Board makes this

4 ORDER

5 The Friday Harbor First Corporation's substantial development per
6 as granted by the Town of Friday Harbor is approved subject to these t
7 restrictions:

- 8 (1) The structure must be limited to four stories in height, and
9 (2) First-floor tenancy must be limited to shoreline-oriented use
10 approved by the Friday Harbor Town Council.

11 DONE at Olympia, Washington this 5th day of December, 1972.

12 SHORELINES HEARINGS BOARD

13 Walt Woodward
14 WALT WOODWARD, Chairman

15 Ralph A. Reswick
16 RALPH A. RESWICK, Member

17 Gordon Y. Erickson
18 GORDON Y. ERICKSEN, Member

19 Arnold M. Hansen
20 ARNOLD M. HANSEN, Member

21 Matthew W. Hill
22 MATTHEW W. HILL, Member

23 James T. Sheehy
24 JAMES T. SHEEHY, Member

25
26 ORDER ON MOTION, FINDINGS OF FACT,
27 CONCLUSIONS AND ORDER - 8